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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,018	09/12/2003	Robert M. Hunt	GP-303369	6819

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EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,018

Applicant(s)

HUNT, ROBERT M.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of invention I in the reply filed on 9/16/04 is acknowledged.
2. Claims 6-15 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/16/04.

### *Information Disclosure Statement*

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 4 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "a sidewall module" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitations "the rearward portion" in line 3, "at least one fastening element" in lines 3-4, and "a plurality of differently-configured sidewall modules" of line 5. There is insufficient antecedent basis for these limitations in the claim.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawelka et al.

Hawelka et al. (4,830,421) disclose a pickup truck (Figures 6-7) comprising: a cab 5; a sidewall having a forward portion and a rearward portion with an elongated opening (Figure 7) formed in the sidewall between the cab and the rearward portion; and at least one fastening element 65 mounted with respect to the sidewall for mounting any one of a plurality of differently-configured sidewall modules 64 at least partially within the elongated opening to provide or alter functionality of the sidewall.

With regard to claim 2, the at least one fastening element faces the elongated opening.

With regard to claim 3, the at least one fastening element is a hole formed in the sidewall.

With regard to claim 4, the at least one fastening element is configured for releasable engagement with a complementary fastening element on a sidewall module to enable module interchangeability.

With regard to claim 5, the elongated opening extends from the forward portion to the rearward portion of the sidewall.

For claim 16, Hawelka et al. inherently disclose a method of adding or altering pickup truck sidewall functionality (Column 10, lines 1-9), the method comprising: possessing a pickup truck, the pickup truck including a cab 5 and a first sidewall (Figures 6-7), the first sidewall having a forward portion and a rearward portion with a first elongated opening formed in the first sidewall between the cab and the rearward portion, and at least one fastening element 65 mounted with respect to the first sidewall for mounting any one of a plurality of differently-configured sidewall modules 64 at least partially within the first elongated opening to provide or alter functionality of the first sidewall; and attaching a first sidewall module 64 to the pickup truck such that the first sidewall module is at least partially within the first elongated opening.

With regard to claim 17, the pickup truck has a second sidewall (Figure 6) having a forward portion and rearward portion with a second elongated opening formed in the second sidewall between the cab and the rearward portion, and at least one fastening element 65 mounted with respect to the second sidewall for mounting any one of a plurality of differently-configured sidewall modules 64 at least partially within the second elongated opening to provide or alter functionality of the second sidewall; and wherein the method inherently further comprises attaching a second side wall module 64 to the pickup truck such that the second sidewall module is at least partially within the second elongated opening; and wherein the second

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sidewall module is differently-structured and has a different functionality from the first sidewall module.

With regard to claim 18, the method further inherently includes removing a second sidewall module from the first elongated opening prior to the step of attaching the first sidewall module, the second sidewall module being differently-structured and having a differently functionality from the first sidewall module.

For claim 19, Hawelka et al. disclose a pickup truck comprising: a sidewall having a forward portion and a rearward portion with an elongated opening (Figures 6-7) formed in the sidewall between the forward and rearward portion; and at least one fastening element 65 facing the elongated opening and at which any one of a plurality of differently-configured sidewall modules 64 is releasably mountable to provide or alter functionality of the sidewall.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**10. Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label  
"PROPOSED" or "DRAFT").



Hilary Gutman  
October 25, 2004